

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

15-CR-6102-FPG

MELVIN FRAZIER,

Defendant.

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**STATEMENT OF THE GOVERNMENT WITH RESPECT  
TO SENTENCING FACTORS**

**PLEASE TAKE NOTICE**, the government has fully reviewed the Revised Pre-Sentence Investigation Report ("PSR") submitted by the United States Probation Department on or about April 13, 2016. The PSR is consistent with the terms and conditions set forth in the plea agreement. Therefore, the government has no objections to the findings in the revised PSR.

On February 24, 2016, the defendant entered a plea of guilty to Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B)(Conspiracy to Distribute 100 Grams or More of Heroin). Based upon the plea, Mr. Frazier faces a mandatory minimum sentence of (five) 5 years imprisonment and a maximum possible sentence of forty (40) years imprisonment, a maximum fine of \$5,000,000, a mandatory \$100 special assessment, and a term of supervised release of four (4) years and up to life. The parties agreed that the defendant is a career offender and as a result the recommended guideline range is a term of imprisonment of 188-235 months.

The defendant is required to pay a \$100 special assessment pursuant to 18 U.S.C. §3013 at the time of sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk.

It is requested that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Forfeiture/Financial Litigation Unit  
U.S. Attorney's Office--WDNY  
138 Delaware Avenue  
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

DATED: May 4, 2016

Respectfully submitted,

William J. Hochul, Jr.  
UNITED STATES ATTORNEY  
Western District of New York

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TO: Hon. Frank P. Geraci, Jr.  
James Napier, Esq.  
Jennifer Fish, USPO (via hand delivery)